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IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 27 OF 2001

BETWEEN

Lala Ram Patel S/o Shri Daulat Ram Patel, aged about 56 years, Working as Patwari, Patwari Halka No.13, Village Jhagarpur, Revenue Division Lailunga, Tahsil Lailunga, District Raigarh (Chhattisgarh).

PETITIONER

A N D

1. The State of Madhya Pradesh, through the Secretary Revenue Department, Mantralaya, Vallabh Bhawan, Bhopal (MP).
2. The State of Chhattisgarh, through the Secretary Revenue Department, Mantralaya, D.K.Buildings, Raipur.
3. The Collector, Raigarh, District Raigarh.
4. Sub Divisional Officer(Revenue) Sub Division Gharghoda District Raigarh.
5. M.P.Administrative Tribunal, through Registrar, Bench Raipur (Chhattisgarh).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, ~~मध्यप्रदेश, जबलपुर~~ Chhattisgarh, Bilaspur

आदेश पत्रक

मामला क्रमांक W.P. No. 28/2001 सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10/1/2001 Shri Awadh Tripathi, learned counsel for petitioner. Dr. N.K. Shukla, learned Dy.Advocate General for State. Heard. The petitioner/Patwari being aggrieved by the order dated 5/12/2000 passed in Original Application No.548/2000 by the learned Member - State Administrative Tribubal, M.P. (Raipur Bench), rejecting his challenge to the transfer, has filed this petition under Article 227 of the Constitution of India. The submissions of the learned counsel for the petitioner are that the transfer was illegal, malafide and tantamounts to discrimination. He also submits that as the petitioner has made certain complaints against some persons, therefore, the transfer is made inter-district and as his senirioty would be adversely affected, the order of transfer deserves to be quashed. From the original petition filed before the State Administrative Tribunal, it appears that the above three questions were neither pleaded nor raised before the Tribunal, but simply allegations were made against the order of transfer that it was malafide, discriminatory	

पीछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and showed non-application of mind.

From the perusal of paragraphs nos. 16 & 17 of the order passed by the State Administrative Tribunal, it would clearly appear that the transfer was made in view of the administrative exigencies and the Tribunal found that the transfer was not malafide. The Tribunal also found that on an earlier occasion the petitioner had challenged the intra-district transfer which was rejected and the earlier petition was rejected by the Tribunal.

So far as the question relating to transfer of inter-district is concerned, the petitioner did not plead anything in relation to that aspect before the Tribunal. In relation to the ~~shift and~~ district wise seniority list neither before the Tribunal nor before this Court anything has been said nor has been brought on record to show as to how the petitioner's seniority would be adversely affected.

Transfer ordinarily is an incidence of the service. In a matter of transfer that too under Article 227 of the Constitution of India, the High Court would make interference only when it is shown to the High Court that the order of transfer is patently illegal or is in breach of the rules or in violation of statutory provisions or would tantamount to punishment. Ordinarily the Court would not interfere in the matter of transfer.

XI-HC-22

उच्च न्यायालय, मध्यप्रदेश/छत्तीसगढ़ Chhattisgarh, Bilaspur

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आदेश पत्रक

मामला क्रमांक WP 28/2001 सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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After hearing the learned counsel for the parties, we are of the opinion that present is not a fit case for any interference by this Court. The petition is dismissed.

Sd/-
Chief Justice

Sd/-
R.S. Garg
Judge

[पीछे देखिये

28/11/01